IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 19299 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CHRISTIAN RAXABEN HARISHBHAI - Petitioner(s)
Versus
STATE OF GUJARAT THRO' SECRETARY & 2 - Respondent(s)

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Appearance :
MR DP JOSHI for Petitioner(s) : 1,
MS MANISHA L SHAH AGP for Respondent(s) : 1-2,
MR DIPAK R DAVE for Respondent(s) : 3.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 08/09/2006

ORAL JUDGMENT

1. Rule. Learned Asst. Government Pleader Ms. Shah wavies service of rule on behalf of respondent nos. 1 and 2. Learned advocate Shri Dave wavies service of rule on behalf of respondent no.3. At the joint request of the learned advocates appearing for the parties, the petition is taken up for final disposal today.

2. The petitioner is seeking admission to PTC college in management quota of self-financed institution. Government by way of communication dated 24th April, 2006 provided for certain conditions for regulating such admission. In particular, condition no.1 required that the candidate ought to have applied earlier for common admission process. This condition came up for consideration before this Court in Special Civil Application No.17385/06 and connected matters. This Court by order dated 30th August, 2006 found that the condition is not sustainable. In this regard, this Court made following observations:

> 7. Only to this extent, the petitions are required to be accepted. It is made clear that none of the other conditions are under challenge before this Court nor this Court has in any manner whittled down other conditions mentioned in the communication dated 24.7.2006 as also the requirement of fulfilling other legal conditions.
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> 8. In the result, condition No.1 of communication dated 24.7.2006 is quashed. It would be open for the petitioners to apply for the management quota of seats of PTC course in self-financed institutions provided they fulfill necessary eligibility criteria. Their applications will be considered in accordance with rules and other conditions imposed by the Government in its communication dated 24.7.2006. To the above limited extent, the petitions succeed. Rule is made absolute to the above extent with no order as to costs.

3. Issue being identical, the petition also deserves the same treatment. Case of petitioner shall be considered without insisting on the said condition subject to fulfillment of all other requirements and the merit.

4. With these directions, the petition is disposed

of. Rule is made absolute to the above extent. No costs.

Direct service is permitted.

(Akil Kureshi, J.)

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